



JAMES L. SALKELD REAPPOINTED FOR ANOTHER TERM AS ARKANSAS DEPARTMENT OF LABOR DIRECTOR

James L. Salkeld of Conway was once again sworn in as Arkansas Department of Labor Director on November 22, 2004 at the State Capitol. Mr. Salkeld was originally appointed by Governor Bill Clinton in August 1991, reappointed by Governor Jim Guy Tucker in 1992, and then reappointed by Governor Mike Huckabee in 1996, thus making him

the longest serving director in the 91 year history of the department, and the only one to have served three governors.

Prior to being appointed Director of Labor, Mr. Salkeld was business manager of Local 295 of the International Brotherhood of Electrical Workers and a member of the executive board of the state AFL-CIO. He also served by appointment of the governor on the state Job Training Coordinating Council. He was president of the Arkansas State Electrical Workers Association and president of the Central Arkansas Building and Construction Trades Council.

Mr. Salkeld has accomplished much during his years as Director of Labor, including being instrumental in starting the annual Labor-Management Conference, which is now in its sixth year. He has been recognized by federal OSHA, as well as several business and safety associations for his dedication and efforts to improve occupational safety and health in the state. Under his leadership, the state's incidence rate of occupational injuries and illnesses has decreased for ten consecutive years, with an average of 9.7 cases reported in 1993 and an average of 5.7 cases in 2002. This is according to the latest data collected by the Bureau of Labor Statistics based on every 100 full-time workers.

During Mr. Salkeld's term, Arkansas became the first state in the nation to have a state-level association of participants in OSHA's Voluntary Protection Program. He has also led efforts to increase participation in the Safety and Health Achievement and Recognition Program (SHARP), a federal recognition and exemption program that provides incentives and support to smaller, high-hazard employers to develop, implement and continuously

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WAGE GAP BETWEEN MEN AND WOMEN NARROWING

Between 1979 and 2003, the earnings gap between women and men narrowed for most major age groups. Overall, the women's-to-men's earnings ratio was 80 percent in 2003, up from 63 percent in 1979.

The ratio of women's to men's earnings among 16- to 24-year-olds was 93.3 percent in 2003 compared with 78.5 percent in 1979, and that for 25- to 34-year-olds was 87 percent in 2003 compared with 67.4 percent in '79.

Among 35- to 44-year-olds, women earned 76.2 percent as much as men in 2003 and 58.3 percent in 1979, while among 45- to 54-year-olds, women earned 73 percent as much as men in 2003 and 56.9 percent as much in 1979.

The ratio of women's to men's earnings varied by place of residence, from a high of 95 percent in the District of Columbia to a low of 65 percent in Wyoming. Women's earnings in Arkansas as a percent of men's was 75.8, with women having median weekly earnings of \$445 compared to \$587 for men. Arkansas' median weekly earnings of both sexes together was \$515. The differences among the States reflect, in part, variations in the occupational, industrial, and age composition of each State's labor force as well as sampling error, so comparisons should be made with care.



2004 ADOL ANNUAL REPORT AVAILABLE

To those of you who have asked to receive a copy of the Arkansas Department of Labor's 2004 Annual Report, they are in the mail. This report covers July 1, 2003 through June 30, 2004 at the Labor Department, and here are some of the many accomplishments worth highlighting.

OSHA consultants conducted 681 safety and health visits at the request of the inspected workplaces, nearly 100 more than last year. They cited 5,384 safety and health hazards, 4,240 of which were serious hazards.

The AOSH Division, which is responsible for enforcement of occupational safety and health laws for state and local government employees, conducted 507 consultation visits to public schools, technical schools, colleges and universities, state agencies and other public sector entities, where they cited 1,088 serious violations. The division also inspected 2,970 amusement rides, nearly 800 more than last year, at 289 different facilities, citing 861 violations. The division deposited \$53,400 to the State Treasury for these inspections. AOSH also conducted 482 classes for 4,052 Arkansans in workplace safety and health, thus adding \$21,840 more into the State Treasury.

Preventing Occupational Injuries and Illnesses seminars were once again held in Jonesboro, Little Rock, Crossett, Fort Smith, Russellville, El Dorado, Springdale, Ashdown, Batesville, and

West Memphis, but this fiscal year McGehee, Pine Bluff and Hope were also added to the circuit. More than 1,450 participants were in attendance. The seminars are co-sponsored by our department, the U.S. Department of Labor and Arkansas Workers' Compensation Commission, and in some cases with additional sponsorship from local safety associations.

The department presented 80 safety awards to Arkansas companies across the state who excelled in safety and health this year, compared to 69 last fiscal year. We're proud to add that our second-ever Ten Million Work Hours Safety Award was presented to Whirlpool Corporation in Fort Smith.

Over 700 companies borrowed safety and health videos free of charge for their employees from our Film and Video Libraries located in Little Rock and Paragould.

The Mine Safety and Health Administration held 208 classes with 2,110 participants attending. Nine blasting classes were also held for 50 miners and 30 consultation visits were conducted.

Data collected by our OSH/CFOI Division indicated that in 2002, there were 80 workplace fatalities in Arkansas, up from 68 in 2001. The division also found there were 5.7 work-related injuries and illnesses reported for every 100 full-time workers in private industry, down for the tenth consecutive year.

The Boiler Inspection Division issued 6,756 boiler operator licenses and processed 22,768 inspection reports.

The Board of Electrical Examiners issued 10,315 licenses to Industrial Maintenance, Journeyman, Master, Contractors, Air-Conditioning and Registered Apprentice Electricians.

Our Elevator Safety Division issued 3,582 certificates of operation across the state and deposited \$296,653 into the State Treasury.

Wage and Hour inspectors collected over \$89,323 for violations of the minimum wage and overtime laws, compared to \$32,499 last year. Child labor civil

money penalties were also up from last year with \$111,260,68 collected. Inspectors conducted 2,012 inspections of workplace records and cited 1,028 violations. They also processed claims that returned \$49,401 to 137 Arkansas workers for unpaid wages, severance pay, sick pay, vacation pay, holiday pay, and unauthorized deductions, commissions, and bonuses. This total is up \$17,000 over last year's claims collections.

Investigations by the Prevailing Wage Division resulted in \$66,377 being returned to 84 Arkansas workers in back wages, up from \$44,778 last fiscal year. The division also issued 436 wage determinations for projects with a total estimated value of \$373,835,092.

Our state mediator participated in 30 contract negotiations and attended 80 other meetings in order to promote peace and harmony in employer/employee relations in Arkansas.

The Legal Division collected \$150,192, up from last year's \$89,936. This included \$32,132 in child labor civil money penalties.

A record 34,863 newsletters were sent out by our Planning and Publications Division during the 2003-2004 Fiscal Year.

If you would like to receive a copy of our annual report, call 682-4537 or e-mail sharon.adams@arkansas.gov or you may access a copy on our website at www.arkansas.gov/labor/



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IN THE WORKS

Among working women in 2003, those with less than a high school diploma earned \$329 per week, compared with \$832 for those with a college degree. Among men, high school dropouts had earnings of \$429 a week, compared with \$1,131 for college graduates.

In March 2004, Prince William County, Virginia had the largest over-the-year percentage increase in employment among the largest counties in the U.S. Prince William County had an employment gain of 8.0 percent compared with national job growth of 0.8 percent. Rutherford County, Tennessee, had the next largest increase, 7.3 percent, followed by the counties of Marion, Florida (6.4%), Placer, California (6.3%), and Lee, Florida (5.8%).

Median weekly earnings of the nation's 102.3 million full-time wage and salary workers were \$632 in the third quarter of 2004. This is 2.3 percent higher than a year earlier, compared with a gain of 2.7 percent in the Consumer Price Index for All Urban Consumers over the same period. Overall, the median weekly earnings of men in full-time wage and salary jobs were \$704, compared with women's median earnings of \$571.

Women who worked part time – that is, fewer than 35 hours per week – made up 25 percent of all female wage and salary workers in 2003. In contrast, just 11 percent of men in wage and salary jobs worked part time. Median weekly earnings of the females were \$197 compared with \$180 for male part time workers. Among part-time workers, men had lower earnings than women because male part timers tend to be highly concentrated in the youngest age groups, which typically have low earnings.



LETTERS OF THE LABOR LAW

The Arkansas Department of Labor receives over a thousand e-mails each year with questions on various aspects of our state's labor laws. Daniel Faulkner, an attorney with the Arkansas Department of Labor, has clarified some of the more common areas of concern in previous issues. The following is the final installment.

Q. My employer is holding my check. Is this legal?

A. Holding checks can actually be a minimum wage violation, since that employee was not paid anything for the hours they worked. Minimum wage violations can be very serious,

because either our agency or the United States Department of Labor (USDOL) may investigate such complaints on a company-wide basis. If the business has a gross income over \$500,000/year, the USDOL has minimum wage jurisdiction. If the annual income is below \$500,000, the Arkansas Department of Labor has jurisdiction. Additionally, Arkansas law provides that employers must pay within seven days upon termination: <http://www.arkansas.gov/labor/code.php?code=11-4-405>. In cases of resignation, generally the employer may pay on the next regular pay period(s).

Q. Can my employer make deductions from my paycheck?

A. Federal and state taxes, Social Security, Worker's Compensation, unemployment deductions, or court-ordered garnishments are generally required deductions. Voluntary employee-authorized deductions such as health insurance are usually not problematic.

However, problems can arise when employers attempt to make deductions for alleged theft, personal loans, losses due to employee error, or other reasons. There is no blanket prohibition on these types of payroll deductions in **(contd. on next page)**

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JAMES L. SALKELD, DIRECTOR

JEANETTE DONAHUE, EDITOR

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Arkansas, except that no payroll deduction can bring an employee below minimum wage.

However, it is important to note that just because such deductions are not prohibited up front, doesn't mean they are valid. It is a question of fact whether the deduction is a valid one. This is typically determined on a case-by-case basis. The burden of proving the validity of the deduction will typically fall onto the employer. Our agency takes "wage claims" for situations like this.

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improve effective safety and health programs at their worksites.

Additionally, Mr. Salkeld has worked to improve enforcement in all areas within the agency's jurisdiction. His leadership has been instrumental in strengthening laws relating to electrical safety and licensing; prevailing wage rates on public construction projects; and blasting and amusement ride inspections. He has also served on the State Apprenticeship Steering Committee, the Veteran's Preference Board and the National Association of Governmental Labor Officials Executive Board.

*From: Our Family
To: Yours*

*Have a Joyous
and Safe
Holiday Season!*



**IS NURSING
IN YOUR BLOOD?**

© Registered Nurses (RNs) were the largest healthcare occupation in 2003, with employment of over 2.4 million jobs.

© Earnings of RNs are above average. The median weekly earnings of full-time wage and salary workers employed as RNs were \$899 compared to \$620 for all workers in 2003.

© The Bureau of Labor Statistics (BLS) projects that the number of new jobs created for RNs will increase by 27.3 percent between 2002 and 2012, from 2,284,000 to 2,908,000.

© BLS also projects that total job openings due to growth and net replacements will result in 1.1 million job openings for RNs alone by 2012.